

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Parts 20, 90 and 94) WT Docket No. 95-70
of the Commission's Rules to Permit) RM-8200
Routine Use of Signal Boosters)

To: Chief, Wireless Telecommunications Bureau

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COMMENTS OF PAGING NETWORK, INC.

Paging Network, Inc. ("PageNet"), by its attorneys, and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby comments in support of the proposals set forth in the above-captioned Notice of Proposed Rule Making (hereinafter "NPRM" or "Notice"), WT Docket 95-70, 60 Fed. Reg. 33782, __ FCC Rcd __ (1995), to permit the routine use of signal boosters. PageNet believes that the use of boosters to enhance signal penetration is desirable where reception is blocked or shielded due to natural terrain or man-made obstacles. However, PageNet strongly opposes their use to extend the normal coverage area of a licensed facility and recommends that any use of signal boosters for that purpose be specifically prohibited and, where found to exist, appropriately sanctioned. In support of these Comments, the following is respectfully shown.

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I. Statement Of Interest

PageNet provides both private and common carrier paging services to over 4.5 million units, as the largest and most rapidly expanding paging company in the United States. It is committed to achieving and maintaining the utmost in service reliability and quality of reception throughout its operating systems. As the licensee of thousands of transmitting facilities, PageNet is intimately familiar with situations where reception is compromised by surrounding structures or terrain features and therefore is interested in the instant proposal to permit use of signal boosters on a permissive, unlicensed, noninterference basis to fill in these so-called "dead spots."

II. Use of Signal Boosters Must Be For Fill-In Purposes Only and Must Not Be Allowed to Extend the Service Area of the System.

In the NPRM, the Commission notes that locations "such as valleys, tunnels, below-ground parking facilities or inside cargo vessels and aircraft hangers" can produce holes in otherwise reliable service areas. Notice at 2. PageNet has experienced such problems and supports the Commission's proposal to allow licensees to utilize signal boosters to cure reception problems in such shielded areas. However, PageNet is concerned that the service area of boosters be strictly limited to areas within the licensee's existing service contour and that they not be used to expand service into new areas on an unlicensed basis.

Compared to full power transmitters, signal boosters are cheap and readily available. Without proper conditions on

their use, the option of installing them on an unlicensed basis could be abused. The rules in Parts 22, 90 and 94, therefore, must state clearly and definitely that location of boosters in a way that expands the authorized service area of a system is strictly prohibited.

Proposed Section 22.385(a) states that "the location of each signal booster must be within the protected service area of the licensee's authorized base transmitter(s)." Notice, Appendix, "Part 22 - Public Mobile Service" at para. 4. Emphasis added. Section 22.385(c) prohibits boosters that cause interference to the service or operation of any other authorized stations and systems. However, a booster located at the fringe of a service area where there is no adjacent co-channel system, could, in fact, extend the service area of the primary station without causing any interference. It would, operating in this manner, offend the spirit without technically violating the letter of subsections (a) and (c).

In order to achieve the objective expressed in the Notice that the authorized coverage area not be expanded, Section 22.385 must be revised and clarified. PageNet urges the Commission to strengthen the rule to assure that its stated objectives are accomplished and to prevent abuse in the installation and operation of boosters. Specifically, language like that contained in proposed Sections 90.219(a) and 94.95(a), which state that signal boosters "cannot extend the system's signal coverage area," should be added to Section 22.385.

III. Use of Signal Boosters By Part 22 and Part 90 Licensees Should Be Governed by Comparable Rules.

The Commission is required to regulate similar services pursuant to comparable rules. *Omnibus Budget Reconciliation Act of 1993*, Pub.L. No. 103-66, Tit. VI § 6002(b), 107 Stat. 312, 392 (1993) ["*Budget Act*"]. In accordance with this statutory mandate, the Commission has revised its rules to achieve regulatory parity in the provisions that govern Commercial Mobile Radio Services ("CMRS"), including Private Carrier Paging ("PCP") and Radio Common Carrier ("RCC") paging. *Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket No. 93-252, ["*Third Report*"] 76 RR 2d 326 (1994). The proposed provisions to govern the use of signal boosters under Parts 22 and 90 should, therefore, be as consistent as possible. Several modifications and revisions in the proposed rules are needed to achieve this objective.

As discussed above, proposed Section 22.385 fails to prohibit specifically the use of boosters to extend the licensed service area of an RCC system. Proposed Section 90.219(a) does specifically prohibit such use for PCPs. The objectives stated in the text of the Notice and appropriate licensing procedures require that the language of Section 90.219 be reflected in both rules. Section 22.385 should be revised accordingly.

Similarly, the requirement that all equipment must meet the out-of-band emission limits of the relevant rules Part is set forth in Section 90.219(b) while comparable language has been

omitted from Section 22.385. Appropriate reference to the out-of-band emission provisions in Section 22.359 ("Emission Masks") should be added to Section 22.385 in the same way that the limitations of Section 90.209 ("Bandwidth Limitations") are referenced in Section 90.219(b). Likewise, language similar to that in Section 90.219(c) regarding installation of PCP boosters with sufficient isolation between receiving and retransmitting circuits to prevent oscillation should be reflected in Section 22.385 for RCC systems. While equipment manufacturers can be expected to design and manufacture units that will meet the most stringent criteria in the rules, so as to enable their product to be used by licensees operating under either Part 22 or Part 90, ambiguity in the rules should be avoided wherever possible. The *Budget Act* and the *Third Report* indeed require it.

IV. CONCLUSION


PageNet supports the Commission's proposal to permit use of signal boosters by paging licensees to improve communications in locations within the normal coverage area of a radio system where signals are blocked or shielded by natural terrain or man-made obstacles. PageNet urges the Commission to clarify and modify the proposed rules governing such use to specifically prohibit any use that would extend the service area of an existing system and to assure that in all appropriate respects regulatory parity is maintained between Part 22 and Part 90.

WHEREFORE, THE PREMISES CONSIDERED, Paging Network, Inc. respectfully submits the foregoing comments and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

Respectfully submitted,

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July 14, 1995